

### **REMARKS**

After entry of this response, claims 1-20 remain pending in the present application. Applicant respectfully requests reconsideration by the Examiner in light of the following remarks.

#### **I. Rejection Under 35 USC §102 or 35 USC §103 (The Nelson reference)**

Claims 1-20 are rejected under 35 USC 102(b) as anticipated or in the alternative, under 35 USC 103(a) as being un-patentable over Nelson et al. (US 6,480,745, hereinafter "Nelson"). Applicant respectfully traverses.

In order for a reference to anticipate a claim, the reference must teach each and every element of the claim. Contrary to the Examiner's assertions, the Nelson reference fails to disclose the data exchange system including one or more web services for performing a data exchange function as stated, for example, in Claim 1. The Nelson reference discloses that the data transfer between a deployed implantable medical device and a computing resource device requires the implementation of device specific software in both devices to enable the computing resource to interrogate the specific device. See *e.g.* col. 13, lines 10-16.

The web services of the present application are programmable application logic services that allow software to be invoked regardless of the operating system or programming language. The web services provide interoperability between devices, irrespective of the software implemented in each device which facilitates effective local and remote data handling operations. Thus beyond the absence of a teaching or suggestion of a system for exchanging data between devices having incompatible software, the reference also fails to teach or suggest a data exchange system. Therefore, withdrawal of the rejection of Claims 1-20 as anticipated or in the alternative un-patentable over Nelson is respectfully requested.

Furthermore, the web services facilitate the execution of complex and multi-step services such as translation web services as stated, for example, in Claim 2. The system disclosed in the Nelson simply does not teach or suggest the use of translation services because the reference utilizes device specific

software that is compatible between the communicating devices and thus does not require translation. The translation services facilitate the exchange of data between devices having incompatible software by translating data received as input in one format to the requested device specific format. Therefore, the implementation of web services in a data exchange system facilitates communication between different data handling devices with non-compatible software. Therefore, the teaching in the Nelson reference does not permit the Examiner's assertion that Nelson teaches a translation web service.

Consequently, Claims 1-20 are not anticipated or un-patentable over Nelson and the rejection under 35 USC 102(b) or in the alternative, under 35 USC 103(a) must be withdrawn.

In view of the foregoing, it is submitted that this application is in condition for allowance. Favorable consideration and prompt allowance of the application are respectfully requested.

Should any issues remain outstanding, the Examiner is urged to telephone the undersigned to expedite prosecution.

Respectfully submitted,

January 2, 2008  
Date

/Daniel G. Chapik/  
Daniel G. Chapik  
Reg. 43,424  
Telephone: (763) 526-0940  
Customer No. 27581